



Docket No.: 245517US41X CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/717,664
Applicants: Pierre COLDEFY, et al.
Filing Date: November 21, 2003
For: AIRPORT DISPLAY DEVICE
Group Art Unit: 2628
Examiner: RAHMJOO, M.

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF WITH APPENDICES

Our credit card payment form in the amount of \$500.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
PIERRE COLDEFY, ET AL. : EXAMINER: RAHMJOO, M.
SERIAL NO: 10/717,664 :
FILED: NOVEMBER 21, 2003 : GROUP ART UNIT: 2628
FOR: AIRPORT DISPLAY DEVICE :

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated March 17, 2006, which finally rejected Claims 1-7, 9-16, and 18-30 in the above-identified patent application. A Notice of Appeal was timely filed with a two month extension of time on August 17, 2006.

I. REAL PARTY-IN-INTEREST

• The real part-in-interest is Airbus France.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and the assignees are aware of no appeals which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

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III. STATUS OF CLAIMS

Claims 1-7, 9-16, and 18-30 have been finally rejected and form the basis for this appeal. Appendix VIII includes a clean copy of appealed Claims 1-7, 9-16, and 18-30.

IV. STATUS OF AMENDMENTS

No amendments after final rejection have been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to an airport display device including a display including at least one window, a database including data related to an airport, a selector, a control unit, and a changing unit. The selector includes a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees and a selection mechanism configured to center the view of the airport on a different one of plural predetermined portions of the airport each time the selection mechanism is activated. The selector is configured to select from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport. The control unit is connected to the display, the database, and the selector. The control unit is configured to control the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the selector. The changing unit is configured to change the scale value representative of the degree of zoom.

An exemplary embodiment is described in the specification from page 7, lines 8-31 with reference to Figure 1. In this exemplary embodiment, display means 2 (described at page 7, lines 15-16 and 32-33) is a display including at least one window. Database 4 (described at page 7, lines 17-18) is a database including data related to an airport. Actuating

system 5 (described at page 7, lines 19-20 and page 9, lines 8-34) includes a selector. Central unit 6 (described at page 7, lines 21-25) is a control unit configured to control the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the selector. Central unit 6 is connected to the display 2, the database 4, and the actuating system 5. Means 10 (described at page 7, lines 27-31) is a changing unit configured to change the scale value representative of the degree of zoom.

An exemplary embodiment of the selector is described in the specification at page 9, lines 8-34 with reference to Figure 3. Actuating system 5 includes three associated actuating means 27, 28, 29 (described at page 9, lines 26-30) configured to display the airport image in the window according to a plurality of predefined zoom degrees and actuating means 25 (described at page 9, lines 16-17) configured to center the view of the airport on a different one of plural predetermined portions of the airport each time the actuating means 25 is activated. Actuating system 5 is configured to select from a plurality of different three associated actuating means 27, 28, 29 a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport.

Independent Claim 10 is directed to an airport display system including a display including at least one window, means for storing data related to an airport, means for selecting from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport, the means for selecting including a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees, means for centering a different one of plural predetermined portions of the airport in the window upon each activation of the means for centering, means for controlling the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the means for selecting, said controlling means being connected to the display, the storing means,

the centering means, and the selecting means, and means for changing the scale value representative of the degree of zoom.

An exemplary embodiment is described in the specification from page 7, lines 8-31 with reference to Figure 1. In this exemplary embodiment, display means 2 (described at page 7, lines 15-16 and 32-33) is a display including at least one window. Database 4 (described at page 7, lines 17-18) is a means for storing data related to an airport. Actuating system 5 (described at page 7, lines 19-20 and page 9, lines 8-34) includes means for selecting from a plurality of different degrees of zoom. Central unit 6 (described at page 7, lines 21-25) is means for controlling the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the means for selecting. Central unit 6 is connected to the display 2, the database 4, and the actuating system 5, which includes means for centering 25 (described at page 9, lines 16-17). Means 10 (described at page 7, lines 27-31) is means for changing the scale value representative of the degree of zoom.

An exemplary embodiment of the means for selecting is described in the specification at page 9, lines 8-34 with reference to Figure 3. Actuating system 5 includes three associated actuating means 27, 28, 29 (described at page 9, lines 26-30) configured to display the airport image in the window according to a plurality of predefined zoom degrees. Actuating system 5 also includes actuating means 25 (described at page 9, lines 16-17) which is means for centering a different one of plural predetermined portions of the airport in the window upon each activation of the means for centering. Actuating system 5 is configured to select from a plurality of different three associated actuating means 27, 28, 29 a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

(a) whether Claims 1-3, 5, 7, 9-12, 14, 16, 18-20, 23, 24, and 27-30 are unpatentable under 35 U.S.C. §103(a) over Vandevoorde et al. (U.S. Patent No. 6,246,342, hereinafter “Vandevoorde”) in view of “Mapquest”; and

(b) whether Claims 4, 6, 13, 15, 21, 22, 25, and 26 are unpatentable under 35 U.S.C. §103(a) over Vandevoorde in view of in view of “Mapquest” and further in view of Takishita (U.S. Patent No. 6,121,900).

VII. ARGUMENTS

A. Introduction

Claim 1 recites an airport display device comprising:

- a display including at least one window;
- a database including data related to an airport;
- a selector configured to select from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport, the selector comprising
 - a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees, and
 - a selection mechanism configured to center the view of the airport on a different one of plural predetermined portions of the airport each time the selection mechanism is activated;
- a control unit connected to the display, the database, and the selector, the control unit being configured to control the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the selector; and
- a changing unit configured to change the scale value representative of the degree of zoom.

Claim 10 recites an airport display system, comprising:

- a display including at least one window;
- means for storing data related to an airport;

means for selecting from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport, the means for selecting comprising a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees;

means for centering a different one of plural predetermined portions of the airport in the window upon each activation of the means for centering;

means for controlling the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the means for selecting, said controlling means being connected to the display, the storing means, the centering means, and the selecting means; and

means for changing the scale value representative of the degree of zoom.

B. The “Mapquest” document is not prior art with respect to the present application

Initially, it is respectfully submitted that the various screen shots from www.mapquest.com are not prior art with respect to the present application.

As noted in the response filed February 28, 2006, the “Mapquest” publication relied on in the rejection dated November 29, 2005 includes copyright markings “© 2005” in each of the maps. Accordingly, the earliest this publication could be dated is January 1, 2005, which is after the effective filing date of August 8, 2002 of the present application.

The outstanding Office Action (dated March 17, 2006) responded by providing a single Mapquest screen shot (not included in the twelve page “Mapquest” reference provided with the Office Action of November 29, 2005) with a copyright of 2000 and an archive readout that only lists two pages that predate the effective filing date of the present application. (The pages for August 26, 2001 and July 20, 2002). However, the outstanding Office Action did not identify which of the Mapquest archive the provided screen shot corresponds to. Accordingly, the twelve page “Mapquest” reference with 2005 copyright dates provided with the Office Action of November 29, 2005 are clearly not prior art with

respect to the present application, as only two unidentified pages from the archive predate the effective filing date of the present application.

Further, it is noted that the features relied on in the outstanding rejection, buttons 1-10 shown on page 12 of the “Mapquest” publication provided with the Office Action of November 29, 2005, are *not* shown in the figure with the 2000 copyright date provided with the outstanding Office Action. Accordingly, it is again respectfully submitted that the material relied on in the present rejection, specifically page 12 of the original “Mapquest” reference, is not prior art with respect to the present application under 35 U.S.C. §102.

The Advisory Action of July 3, 2006 responded to these arguments by providing yet another screen shot from www.mapquest.com without providing any information regarding the date. The Advisory Action relied solely on the copyright date of the map, 2000, as “proof” that this screen shot is prior art. Initially, it is noted that a map made in 2000 can be used with Mapquest software released in 2006, and the map would still include the 2000 copyright date. Thus, the copyright date of the map is *irrelevant* to the release date of the software (and thus the effective prior art date of the software). Therefore, *none* of the provided screen shots can be considered prior art based on the copyright dates of the maps used with the Mapquest software. It is respectfully noted that the burden of proving the actual date of the screen shots is on the U.S.P.T.O., not the Applicant.

Accordingly, application of the “Mapquest” reference in this obviousness rejection is improper.

As all the rejections of record rely on “Mapquest,” it is respectfully submitted that these rejections are traversed as “Mapquest” may not be applied as a basis for supporting a *prima facie* case of obviousness with respect to the present application.

C. Claims 1 and 10 are patentable over Vandevoorde in view of Mapquest

The outstanding Office Action cited page 12 of “Mapquest” as describing this element and asserted that buttons 1-10 on page 12 of “Mapquest” “center the given map.”¹ However, even in the present version of Mapquest available at www.mapquest.com, *which the applicant does not concede is prior art*, the buttons analogous to buttons 1-10 only zoom the map in and out, *they do not center the map*. Further, the “Mapquest” publication does not in any way describe that buttons 1-10 center the map on any particular location, nor has any portion of the “Mapquest” publication been cited to support the allegation that buttons 1-10 “center the given map.” Accordingly, not only does “Mapquest” fail to teach or suggest “a selection mechanism configured to center the view of the airport,” but “Mapquest” also fails to teach or suggest “a selection mechanism configured to center the view of the airport on a different *one of plural predetermined portions of the airport* each time the selection mechanism is activated,” as recited in Claim 1.

The Advisory Action of July 3, 2006 provided a single map screen, with no buttons at all. However, the Advisory Action stated “The copy clearly shows the features which applicant claims as missing or being absent such as ‘centering a map’ as shown by the mark in the middle of the map or the centering or re-centering feature taught by the button labeled as number 2.” However, as noted above, the single map screen provided with the Advisory Action does not include *any* buttons at all, much less a button labeled “2.” Further, it is respectfully submitted that the star in the middle of the map is the location of interest, not “a selection mechanism” as defined in Claim 1.

Accordingly, as all of the elements of Claim 1 are not taught or suggested by Vandevoorde and the product shown in “Mapquest,” Claim 1 (and Claims 2-7, 9, 19-22, 27,

¹See the outstanding Office Action, page 3, lines 16-20 and page 8, lines 16-18.

and 29 dependent therefrom) is patentable over Vandevoorde and the product shown in “Mapquest.”

As independent Claim 10 recites “means for centering a different one of plural predetermined portions of the airport in the window upon each activation of the means for centering,” Claim 10 (and Claims 11-16, 18, 23-26, 28, and 30 dependent therefrom) is also patentable over Vandevoorde and the product shown in “Mapquest.”

D. Claim 9 is patentable over Vandevoorde in view of Mapquest

Further, it is respectfully submitted that Claim 9 recites subject matter that further defines over Vandevoorde and the product shown in “Mapquest.” Claim 9 recites “the control unit is configured to *display two different degrees of zoom in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display.*”

The outstanding Office Action cited Figures 7 and 12-14 of Vandevoorde as describing this element. However, the cited figures of Vandevoorde do not display two different degrees of zoom *in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display*. It is respectfully submitted that no part of the description in Vandevoorde describes such a feature, and no portion of the description in Vandevoorde has been cited as teaching or suggesting such a feature. As Figures 7 and 12-14 of Vandevoorde simply illustrate *two different levels of zoom in a single static screen*, Vandevoorde does not describe “a control unit” as defined in Claim 9. In fact, as the apparatus described by Vandevoorde provides two different zoom levels in a single static screen, Vandevoorde teaches away from changing from a first degree of zoom to a second degree of zoom such that the change appears continuous to an operator viewing the display, as recited in Claim 9.

The Advisory Action of July 3, 2006 stated that “The ‘two different degrees of zoom in a continuous manner’ feature is taught through the zoom button labeled as number 1 which performs the zooming continuously by clicking on the map and or the zoom in/zoom out buttons labeled as 3.” Initially, it is noted that “Mapquest” was never previously cited as describing this feature. However, as noted above, the single map screen provided with the Advisory Action does not include *any* buttons at all, much less buttons labeled “1” or “3.” Further, even in the present version of Mapquest available at www.mapquest.com, *which the applicant does not concede is prior art*, actuating the zoom buttons jump the view from one zoom level to another *discretely*, they do not display two different degrees of zoom in a *continuous* manner such that a change from the first degree of zoom to the second degree of zoom appears *continuous* to an operator viewing the display. Thus, it is further submitted that the product described in “Mapquest” also does not teach or suggest the subject matter recited in Claim 9.

Consequently, Claim 9 (and Claim 18 which recites similar subject matter as Claim 9) further patentably defines over Vandevoorde and the product shown in “Mapquest.”

E. Claims 4, 6, 13, 15, 21, 22, 25, and 26 are patentable over Vandevoorde in view of Mapquest and further in view of Takishita

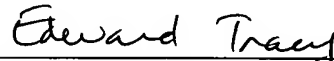
It is noted that Claims 4, 6, 13, 15, 21, 22, 25, and 26 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Takishita does not cure any of the above-noted deficiencies of Vandevoorde and Mapquest. Accordingly, it is respectfully submitted that Claims 4, 6, 13, 15, 21, 22, 25, and 26 are patentable over Vandevoorde in view of Mapquest and further in view of Takishita.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. An airport display device, comprising:
 - a display including at least one window;
 - a database including data related to an airport;
 - a selector configured to select from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport, the selector comprising
 - a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees, and
 - a selection mechanism configured to center the view of the airport on a different one of plural predetermined portions of the airport each time the selection mechanism is activated;
 - a control unit connected to the display, the database, and the selector, the control unit being configured to control the display to display in the at least one window the airport image according to a scale value representative of the degree of zoom selected by the selector; and
 - a changing unit configured to change the scale value representative of the degree of zoom.
2. The airport display device according to claim 1, wherein:
 - the selector includes at least one zoom button configured to zoom in and zoom out between a maximum zoom value and a minimum zoom value so as to display different detailed views of the airport.
3. The airport display device according to claim 1, wherein the selector includes:
 - a first button configured to display the airport image in the window according to a

first predefined zoom degree corresponding to general navigation, the airport image corresponding to the first predefined zoom degree including a full display of the airport;

a second button configured to display the airport image in the window according to a second predefined zoom degree corresponding to proximity navigation, the airport image corresponding to the second predefined zoom degree including a plurality of details of the airport; and

a third button configured to display the airport image in the window according to a third predefined zoom degree corresponding to airport details, the airport image corresponding to the third predefined zoom degree including details of the airport required for precision taxiing.

4. The airport display device according to claim 1, wherein:

the display system is installed in a moving airport vehicle; and

the selector includes a centering button configured to automatically reconfigure the display such that the moving vehicle is displayed in a center of the window.

5. The airport display device according to claim 1, wherein

the selection mechanism is further configured to cyclically select the different one of the plural predefined portions of the airport on which the view of the airport is centered each time the selection mechanism is activated.

6. The airport display device according to claim 1, wherein:

the selector includes a toggle button configured to automatically display in the airport image the entire airport on the window upon selection of the toggle button and to redisplay in

the airport image a portion of the airport image being displayed prior to selection of the toggle button upon another selection of the toggle button.

7. The airport display device according to claim 1, wherein:

the selector includes a selection mechanism configured to select a portion of the airport such that the portion of the airport is displayed in the airport image on the window.

8. (Canceled).

9. The airport display device according to claim 1, wherein:

the control unit is configured to display two different degrees of zoom in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display.

10. An airport display system, comprising:

a display including at least one window;

means for storing data related to an airport;

means for selecting from a plurality of different degrees of zoom a degree of zoom for an airport image to be displayed, the airport image corresponding to the airport, the means for selecting comprising a plurality of zoom buttons configured to display the airport image in the window according to a plurality of predefined zoom degrees;

means for centering a different one of plural predetermined portions of the airport in the window upon each activation of the means for centering;

means for controlling the display to display in the at least one window the airport

image according to a scale value representative of the degree of zoom selected by the means for selecting, said controlling means being connected to the display, the storing means, the centering means, and the selecting means; and

means for changing the scale value representative of the degree of zoom.

11. The airport display system according to claim 10, wherein:

the selecting means includes at least one means for zooming in and zooming out between a maximum zoom value and a minimum zoom value so as to display different detailed views of the airport.

12. The airport display system according to claim 10, wherein the selecting means includes:

a first means for displaying the airport image in the window according to a first predefined zoom degree corresponding to general navigation, the airport image corresponding to the first predefined zoom degree including a full display of the airport;

a second means for displaying the airport image in the window according to a second predefined zoom degree corresponding to proximity navigation, the airport image corresponding to the second predefined zoom degree including a plurality of details of the airport; and

a third means for displaying the airport image in the window according to a third predefined zoom degree corresponding to airport details, the airport image corresponding to the third predefined zoom degree including details of the airport required for precision taxiing.

13. The airport display system according to claim 10, wherein:
the display system is installed in a moving airport moving vehicle; and
the selecting means includes a means for automatically reconfiguring the display such that the moving vehicle is displayed in a center of the window.

14. The airport display system according to claim 10, wherein:
the centering means includes a means for cyclically selecting the different one of the plural predefined portions of the airport on which the view of the airport is centered each time the centering means is activated.

15. The airport display system according to claim 10, wherein:
the selecting means includes a means for automatically displaying in the airport image the entire airport on the window upon selection of the automatically displaying means and for redisplaying in the airport image a portion of the airport image being displayed prior to selection of the automatically displaying means upon another selection of the automatically displaying means.

16. The airport display system according to claim 10, wherein:
the selecting means includes a portion means for selecting a portion of the airport such that the portion of the airport is displayed in the airport image on the window.

17. (Canceled).

18. The airport display system according to claim 10, wherein:

the controlling means displays two different degrees of zoom in a continuous manner such that a change from the first degree of zoom to the second degree of zoom appears continuous to an operator viewing the display.

19. The airport display device according to claim 1, further comprising:
an updating mechanism configured to dynamically update in real-time the database according to traffic of airport vehicles including aircrafts or technical vehicles.

20. The airport display device according to claim 19, wherein:
the airport vehicles are displayed on the airport image and identified by a sign, a code, or a number.

21. The airport display device according to claim 19, wherein:
the airport display device is arranged in an aircraft; and
the updating mechanism is configured to update the database using digital transmission links between the aircraft and a station located on a ground of the airport.

22. The airport display device according to claim 1, wherein:
the airport display device is integrated in a portable computer; and
the portable computer is installed in a piloting position in an aircraft.

23. The airport display system according to claim 10, further comprising:
an updating means configured to dynamically update in real-time the means for storing data according to traffic of airport vehicles including aircrafts or technical vehicles.

24. The airport display system according to claim 23, wherein:
the airport vehicles are displayed on the airport image and identified by a sign, a code,
or a number.

25. The airport display system according to claim 23, wherein:
the airport display device is arranged in an aircraft; and
the updating means is configured to update the means for storing data using digital
transmission links between the aircraft and a station located on a ground of the airport.

26. The airport display system according to claim 10, wherein:
the airport display device is integrated in a portable computing means; and
the portable computing means is installed in a piloting position in an aircraft.

27. The airport display device of claim 1, further comprising a displacement button
configured to displace a view of the airport being displayed in the airport image on the
window in horizontal and vertical directions so as to display other portions of the airport.

28. The airport display system of claim 10, further comprising a displacement button
configured to displace a view of the airport being displayed in the airport image on the
window in horizontal and vertical directions so as to display other portions of the airport.

29. The airport display device of claim 1, wherein the selection mechanism is
configured to center the view of the airport on the predetermined portion of the airport
regardless of a location of an airplane.

30. The airport display system of claim 10, wherein the selection mechanism is configured to center the view of the airport on the predetermined portion of the airport regardless of a location of an airplane.

IX. EVIDENCE APPENDIX

None.

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Appeal Brief filed herewith

X. RELATED PROCEEDINGS APPENDIX

None.